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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,805	06/04/2001	Raymond T. Miller	6001-900	4569

7590                    05/28/2003

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[REDACTED] EXAMINER

RICCI, JOHN A

ART UNIT	PAPER NUMBER
3712	10

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

GL

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/873,805	Miller
	Examiner John Ricci	Art Unit 3712

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)  Responsive to communication(s) filed on Mar 5, 2003.

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

4)  Claim(s) 1-23, 32-37 is/are pending in the application.

4a) Of the above, claim(s) 1-9 is/are withdrawn from consideration.

5)  Claim(s) 32-37 is/are allowed.

6)  Claim(s) 10-12, 14, 17-23 is/are rejected.

7)  Claim(s) 13, 15, 16 is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on Jun 4, 2001 is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4

6)  Other: \_\_\_\_\_

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Applicant's election of Claims 10-23 & 32-37 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out any errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 9.

\* \* \* \* \*

Please correct the typographical error in claim 32, line 4.

\* \* \* \* \*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10-12, 14, 17, 18, & 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Raehrs et al 2,998,634.

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Raehrs shows a broach assembly including a carrier body 15a having integral support members 16b, 19; spacers 30 coupled to the carrier body with threaded fasteners, a spacer located between adjacent support members, and abutting one support member; and a cutting insert 25 wedged between a spacer and a support member. With regard to claim 17, note cavity 23 which nests over a support member 12 of a broaching machine. With regard to claim 23, the carrier body is coupled to the broaching machine by means of threaded fastener 16, and "quick change tool means" would be available to remove and replace the fastener.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 19 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raehrs et al in view of Perkins et al 1,440,933.

Raehrs does not show the broach assembly as having any fluid passage. One would recognize that it would be desirable to provide the broach assembly with a passage for cooling and lubricating fluid, to reduce heat and friction

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during the broaching operation. For example, Perkins shows that a broach assembly may include fluid passages. It would have been obvious to one of ordinary skill in the art to provide the broach assembly of Raehrs with fluid passages, as suggested by Perkins.

\* \* \* \* \*

Claims 32-37 are allowed.

Claims 13, 15, & 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not disclose a broach including a broach bar having a first portion including a plurality of integral cutting teeth and a second receiver portion which is free of cutting teeth; and a broach assembly having removable cutting inserts coupled thereto, this broach assembly coupled to the broach bar in the second receiver portion.

\* \* \* \* \*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

\* \* \* \* \*

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This letter was prepared by Examiner John Ricci, who can be reached at:

Voice: 703-308-4751

Fax: Use 703-872-9302 (872-9303 for After-Final papers) for papers to be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

Use 703-783-0439 for papers to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

*Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.*

My supervisor is Derris Banks, 703-308-1745.

PTO main switchboard: 800-786-9199.

Visit our Web site at [www.uspto.gov](http://www.uspto.gov).



**JOHN RICCI  
PRIMARY EXAMINER  
ART UNIT 3712**